

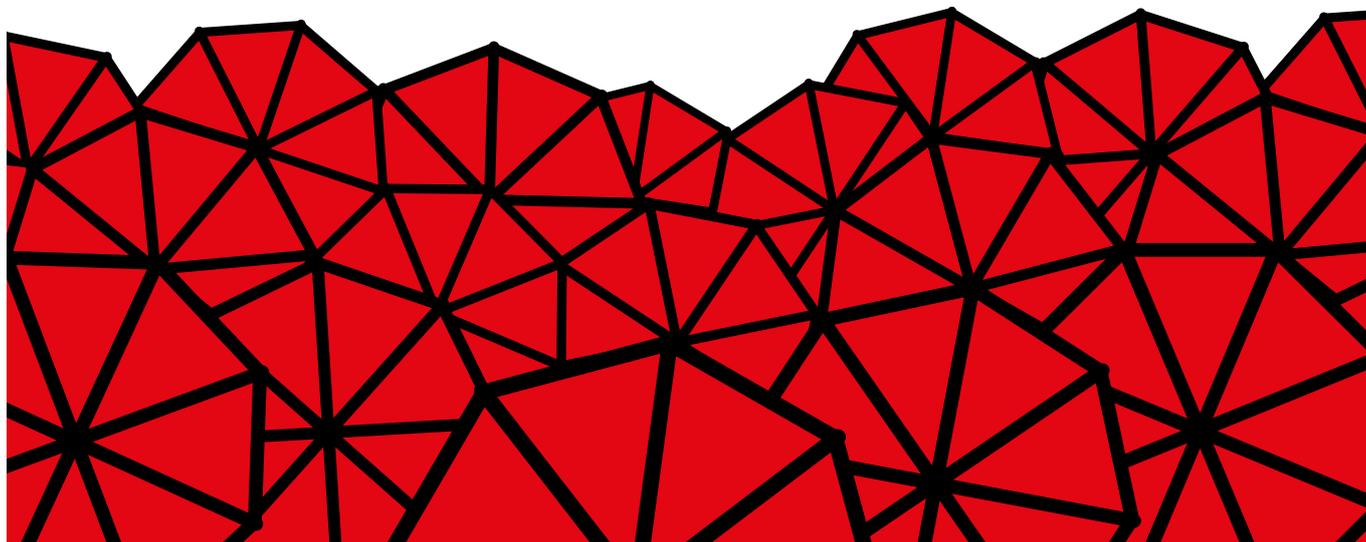


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Global Network of Sex Work Projects
Promoting Health and Human Rights

**BRIEFING
PAPER**

Migrant Sex Workers



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Introduction

This briefing paper explores the human rights barriers that migrant sex workers encounter as a result of their mobility and type of labour. It highlights their lack of access to services, as well as the increased precariousness and exclusion they face due to legal restrictions on cross-border movement, employment in the sex industry and on sex work itself. This paper also places migrant sex work in the context of international labour migration, as opposed to the paradigm of human trafficking, taking regional and country-level consultations with NSWP member organisations as its starting point.

Despite the global trend of increasing mobility, migrant workers are still stigmatised and silenced – in politics and media alike. Additionally, migrant sex workers are painted as victims or criminals in discourses that conflate sex work with human trafficking. Their human rights are often overlooked in favour of driving broader political agendas to restrict migration and criminalise sex work. As a result, migrant sex workers are rarely viewed as part of global labour migration flows. However, under

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the Migrant Workers Convention,¹ sex workers who move across borders are indeed labour migrants, often driven to move in order to escape local inequalities (particularly economic and legal) in search of destinations that allow them to earn higher incomes, work safely, and live in a context where their human rights are respected. Migrant sex workers responding to NSWP's consultation emphasised the need to escape gender inequality and regimes that criminalise them for their work, their gender identities, and their sexual orientation in favour of countries and cities that allow them to

live and work with greater autonomy and dignity. At the same time, the limited civil, political, economic, social, and cultural rights that migrants have, even documented migrants, guarantees the marginalisation of migrant sex workers, as their labour is unrecognised, if not directly criminalised, in host countries. This not only harms migrant sex workers by violating their human rights and placing them at greater risk of exploitation, it also undermines their potential to participate in and enrich local and global economies.

The NSWP Consensus Statement on Sex Work, Human Rights and the Law² outlines eight fundamental rights that are crucial to all sex workers:

- 1 The right to associate and organise
- 2 The right to be protected by the law
- 3 The right to be free from violence
- 4 The right to be free from discrimination
- 5 The right to privacy and freedom from arbitrary interference
- 6 The right to health
- 7 The right to move and migrate
- 8 The right to work and free choice of employment

1 UN General Assembly, 1990, "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families," available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

2 Global Network of Sex Work Projects, 2013, "NSWP Consensus Statement on Sex Work, Human Rights, and the Law" available at <http://www.nswp.org/resource/nswp-consensus-statement-sex-work-human-rights-and-the-law>

...punitive approaches to migration and sex work rely on and promote discrimination on the grounds of race, ethnicity, national origin, gender and gender identity, sexual orientation, health status (including HIV), class, physical mobility, and mental health.

Under the right to move and migrate, the Consensus Statement draws attention to many of the human rights issues that migrant sex workers face. This includes denial of access to legal channels of migration, discriminatory visa schemes, increased reliance on third party agents to travel, and the ever-widening human trafficking frameworks that expose migrant sex workers to increased harassment, detention, and deportation. This prevents migrant sex workers from accessing other fundamental rights, and creates a universal lack of opportunity with regard to both movement and employment. Such punitive approaches to migration and sex work rely on and promote discrimination on the grounds of race, ethnicity, national origin, gender and gender identity, sexual orientation, health status (including HIV), class, physical mobility, and mental health. Although the Consensus Statement was drafted in 2013, all of these harms remain true today as borders tighten and populations are increasingly displaced.

Migrant Sex Work in the Context of International Human Rights Law

Under Article 2 of the Migrant Workers Convention,³ a migrant worker is defined as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.” This definition includes sex workers, even while sex work is not explicitly mentioned. Article 1 of the Migrant Workers Convention specifically references the principle of non-discrimination with respect to the human rights of migrant workers and their families, including the right to liberty and security of person, and the right to be free from arbitrary interference. Crucially, Article 9 reaffirms that migrant workers have the right to life and the protection of the law.

The universal applicability of human rights, without discrimination, is enshrined in every single major human rights instrument, including the ICCPR⁴ and ICESCR⁵, regardless of nationality. The UN Human Rights Committee, commenting on the ICCPR, states “each one of the rights of the Covenant must be guaranteed without discrimination between citizens and aliens.”⁶ Furthermore, the Universal Declaration of Human Rights states that “[e]veryone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”⁷ These provisions are expanded and made legally binding in the ICESCR, which most countries have ratified. The ICESCR requires states to “recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” It further obliges countries to ensure “safe and healthy working conditions” and a fair wage.

3 UN General Assembly, 1990, “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,” available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

4 UN General Assembly, 1966, “International Covenant on Civil and Political Rights,” available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

5 UN General Assembly, 1966, “International Covenant on Economic, Social and Cultural Rights,” available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

6 UN HRC, 1986, “CCPR General Comment No. 15: The Position of Aliens Under the Covenant,” available at <http://www.refworld.org/docid/45139acfc.html>

7 United Nations, “Universal Declaration of Human Rights” available at <http://www.un.org/en/universal-declaration-human-rights>

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) also reaffirms the right to work “as an inalienable right,” and commits its signatories to working towards the realisation of equal workers’ rights for men and women, including choice of employment and access to work-related benefits, occupational health and safety provisions, and the support required to fulfil family obligations, work responsibilities and to participate in public life.⁸ In a number of their general recommendations and papers, CEDAW also requires states to combat gender-based discrimination by addressing laws, policies, and institutions that discriminate against women. To this end, the CEDAW Committee has recognised women migrants and women sex workers as groups of women who are disproportionately affected by gender-based violence, discrimination, and marginalisation, and has reiterated States’ obligations to protect the human rights of these groups. Notably, the Committee has: drawn attention to discrimination in access to health services; condemned the unintended consequences of efforts to suppress trafficking; condemned violence by state and non-state actors; and reinforced the importance of access to justice for women sex workers. Of vital importance to migrant sex workers, the Committee has also called on states to repeal direct and

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indirect discrimination against women in visa schemes, ensure occupations dominated by migrant women workers are granted labour protections, and ensure that women migrant workers have the ability to access remedies when their rights are violated.

As such, migrant sex workers are recognised as rights bearers under international human rights law, and are entitled to the fulfilment of their rights without discrimination.

Global Perspectives on Migration and Sex Work

A Structural Inequality Drives Migration

Migration within and across borders is on the rise globally, and this is also true among sex workers.⁹ This is confirmed by NSWP members, who highlight the growth of intercontinental as well as intracontinental movement on a larger scale than ever before.

The mobility of migrant sex workers is motivated by a shared set of factors, regardless of the point of origin or destination. Respondents to NSWP’s global consultation identified three broad, interrelated reasons for migration to engage in sex work: to escape punitive laws, to escape stigma and discrimination, and to pursue higher incomes and better living standards.

⁸ United Nations Human Rights Office of the High Commissioner, 1979, “Convention on the Elimination of all Forms of Discrimination against Women” available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

⁹ See TAMPEP mappings in 1999, 2001, 2003, 2005, 2008, 2010, 2012, and 2014, available at <https://tampep.eu/>

1 To escape punitive laws

NSWP members described the criminalisation of sex work as one of the strongest drivers of outward migration. This is not merely due to a fear of arrest and harassment at the hands of the authorities, but also as a result of extreme violence. For instance, sex workers in China often choose to migrate to other countries because of frequent crackdowns on the sex industry, in addition to broader legal restrictions on human rights and freedoms. Many sex workers also leave Bangladesh and Nepal in pursuit of safer working conditions in India, as both states are religious and oppose sex work. Migrant sex workers from El Salvador and Guatemala reported a similar situation – moving to Nicaragua to escape police brutality and even murder.

In Africa, where sex work is predominantly criminalised, police make use of punitive bylaws to harass and abuse sex workers.¹⁰ This is echoed in Ukraine, where the criminalisation of sex work has led to severe corruption among law enforcement and rising levels of violence. This has fuelled the growing HIV epidemic in Ukraine among sex workers.¹¹

Discrimination on the basis of gender, gender identity, sexual orientation, occupation, and health status therefore drive mobility as a matter of survival.

This negative legal and social environment disproportionately impacts key populations such as sex workers, men who have sex with men, and people who use drugs, especially where they overlap. Other countries become more attractive because they are perceived as being less punitive. Discrimination on the basis of gender, gender identity, sexual orientation, occupation, and health status therefore drive mobility as a matter of survival.

In Europe, mobility has become a practical necessity for sex workers as a result of shifting legal environments. Local measures and regulations are root causes of mobility, both nationally as well as internationally.¹² The diminution of workplaces due to criminalisation and gentrification, coupled with increasing restrictions on legal indoor and outdoor workplaces, forces sex workers to be more flexible and mobile, often moving from city to city or from one venue to another in the same city.

2 To escape stigma and discrimination

Migrant sex workers reported misogyny, whorephobia, transphobia, and homophobia as leading push factors in their choice to migrate. These intersecting forms of stigma and discrimination result in limited rights and employment opportunities, as well as an increased risk of violence at the hands of state and non-state actors. Respondents also noted that these forms of discrimination often lead to multiple forms of inequality, particularly poverty, which makes migration to friendlier social and legal environments increasingly appealing.

This was the case for sex workers migrating from rural to urban areas, for instance, but also for sex workers migrating to countries where they could find more acceptance and freedom, a situation that tends to coincide with less restrictive legal frameworks around sex work, gender identity, and/or sexual orientation. For instance, in Suriname, male and transgender sex workers reported migrating from rural to urban areas to escape higher levels of homophobia and transphobia. Sex workers also expressed the appeal of migration as a way of preserving anonymity in their work, thereby revealing how stigma can influence mobility.

10 Manoeke, S., 2012, "Stop Harassing Us! Tackle Real Crime! - A report on human rights violations by police against sex workers in South Africa," available at <http://www.sweat.org.za/wp-content/uploads/2016/02/Stop-Harrasing-Us-Tackle-Real-Crime.pdf>

11 CONECTA project, 2013, "How Violence Affects Sex Workers in Ukraine and the Russian Federation" available at <http://www.observatoriodaprostituicao.ifcs.ufrj.br/textos/booklet-on-violence-eng.pdf>

12 Wagenaar, Altink, Amesberger, 2013, "Final report of the International Comparative Study of Prostitution Policy: Austria and the Netherlands," available at <https://sexworkresearch.wordpress.com/2013/07/17/final-report-of-the-international-comparative-study-of-prostitution-policy-austria-and-the-netherlands/>

Migrant sex workers living in the U.K. underscored the feminisation of poverty and shrinking welfare coverage as push factors. They also reported moving due to the lack of women's rights in their home countries, including the lack of laws prohibiting domestic and sexual violence. In this vein, they emphasised that cis- and transgender women sex workers migrate to flee state-sanctioned murder.

In several countries, undocumented migrants who are transgender sex workers have fled violence, family rejection, and poverty in their home countries.¹³ For many, sex work is a resilience strategy against this exclusion. In Spain, NSWP members reported that while only some cis-gender migrant women had engaged in sex work prior to arriving in the country, 80% of transgender migrant women had previously engaged in sex work due to employment discrimination.

Migrants of all genders also reported engaging in sex work for the first time after arriving in a host country as a result of discrimination and structural inequality. In Canada, migrants reported engaging in sex work due to the inability to find work and the non-recognition of their credentials. In Norway, migrants highlighted language barriers and a lack of education, while in New Zealand, migrants whose right to reside was tied to a citizen, or who were in abusive relationships reported engaging in sex work to gain autonomy. This was also echoed by migrant sex workers in Canada and the U.K.

3 To pursue higher incomes and better living conditions

The migration flows of sex workers tend to be the same as those of other labour migrants. According to respondents in Togo, approximately 20% to 40% of sex workers in the country are migrants from Ghana and Nigeria. This migration pattern has its origins in the 1960s and 1980s, when the deterioration of economic conditions in Ghana and Nigeria turned them into labour exporting countries. In Ukraine, the lack of employment

opportunities, rampant inflation, austerity measures, and war with Russia have aggravated economic inequality, driving outward migration. This is in parallel to the impact of the broader economic recession in Europe, which has increased labour migration across all sectors.

Similarly, migrant sex workers in Singapore stated that their main reason for migrating was economic – higher wages and the strength of the Singapore dollar against other currencies in the region.

Globally, migrant sex workers noted the role that higher incomes play in providing for loved ones in

their home countries. In Spain, 90% of sex workers interviewed reported migrating to the country for better living conditions, with many sending money home regularly to support their children, for example.

Better living conditions are not limited to economics. Latin American transgender sex workers living in Spain mentioned access to healthcare as a key reason for migration. This quest for higher standards of healthcare was echoed by migrant sex workers from Uganda and transgender migrant sex workers in the U.K., revealing access to health services as a deciding factor in migration patterns, especially for gender minorities, who are often denied gender-appropriate healthcare.

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¹³ NSWP, 2014, "Briefing Paper #9: The Needs and Rights of Trans Sex Workers," available at <http://www.nswp.org/resource/briefing-paper-the-needs-and-rights-trans-sex-workers>.

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B Barriers to Rights

Migrant sex workers around the world struggle to reside and work legally in their host countries. Even in countries where sex work is not criminalised, immigration law remains the single largest obstacle to legal residency, which is crucial for accessing basic rights. NSWP

members reinforced this, identifying fear of deportation as the greatest barrier to the fulfilment of migrant sex workers' human rights. Migrant sex workers further pinpointed law enforcement and state authorities as the greatest threat to their safety, rather than a source of protection. This burden is heaviest for undocumented migrant sex workers, although restrictions on migration and sex work harm all migrant sex workers, regardless of their immigration status.

1 Immigration Law and Informal Labour

NSWP members reported that select countries explicitly prohibit the participation of migrants in their domestic sex industry, which remains open to citizens. Among these countries are Canada, New Zealand, Finland, the Netherlands, and Singapore. In Canada, immigration law prohibits issuing temporary work permits to anyone engaged in labour that is considered to be sex work-related, and prohibits such work even if the individual holds an open work permit. In New Zealand, the only country in the world where sex work is fully decriminalised, any person coming to the country or residing there on a temporary visa may have their visa cancelled and face deportation if they engage in sex work or operate a brothel. This affects all temporary visas, including visitor, work, and student visas. In the Netherlands, non-EU nationals are not permitted to work in the sex industry, and in Finland, non-EU nationals can be removed from, and denied re-entry into the country if they are suspected of selling sexual services.¹⁴

In Singapore, bans against migrants are even broader: people living with HIV, sex workers and persons benefitting from their earnings, and persons attempting to bring sex workers into the country may be refused entry. An unofficial licensing scheme allows female sex workers from China, Vietnam, Thailand, and Malaysia to work in brothels for a limited time, after which they are banned from re-entry for a period between three years and a lifetime. Additionally, men and transgender women who are not legally recognised as female are prohibited from engaging in sex work, and are deported if discovered. This is also the case for sex workers who test positive for an STI twice. In the case of HIV, deportation comes with a lifelong ban on re-entry. This is enforced using mandatory sexual health checks.

¹⁴ INDOORS, 2014, "Outreach in Indoor Settings: a report based on the mapping of the indoor sex work sector in nine European cities, contextualised by national overviews," available at <http://www.apdes.pt/assets/apdes/indoors/Outreach%20in%20Indoor%20Sex%20Work%20Settings%20Report.pdf>

Such laws ensure that migrant sex workers are still effectively criminalised, even in countries where sex work is not. Even when immigration law does not prohibit migrants from engaging in sex work, the non-recognition of sex work as work often prevents them from regularising their stay in a country. In Nicaragua, sex workers from surrounding countries cannot stay in the country for longer than three months, and are often forced to bribe the police in order to work in the country for longer periods. In Costa Rica, sex workers have to pay higher bribes due to stricter immigration laws. Sex workers around the world are trapped in informal economies due to the lack of recognition of sex work as work, and for migrants this means that their very

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right to move, work, and reside in a country is at stake. For example, in Latin America, where migration can be facilitated by state agreements such as those set by Mercosur countries (Brazil, Argentina, Uruguay, Paraguay, and Venezuela), the lack of recognition of sex work as work means that migrant sex workers have no labour rights, protections, benefits, or the ability to pay taxes. Not only does this situation prevent them from contributing locally, but it also deprives them of the financial and employment grounds typically needed in most visa or work

permit applications around the world. Considering that inequality and discrimination are key drivers of labour migration for sex workers, it is of particular concern that this framework locks them into the margins permanently.

2 Police Violence and Protection of the Law

Whether a country criminalises sex work, bans migrants from entering the sex industry, or does not recognise sex work as work, the ultimate result is that migrant sex workers are always criminalised for their mobility and labour. This has disastrous consequences for their human rights. When a host country does not recognise migrant sex workers as rights-bearers, they do not have the protection of the law. Globally, NSWP members reported that migrant sex workers face higher levels of vulnerability to exploitation and violence as a result of this, especially from the authorities. They are often beaten, raped, and robbed by the police, and in some cases can only receive protection in exchange for sexual services. The police also frequently refuse to file their complaints simply because they are sex workers. In Togo, migrant sex workers even pay local gangs for protection, because they cannot rely on the authorities. In Suriname, sex workers reported that transgender women are forced to strip naked and are subjected to humiliation and torture at the hands of the police. Several African countries reported that male sex workers are mocked and beaten by police. Sex workers in Nicaragua stated that police violence was their greatest concern, and in Canada, migrant sex workers reported needing protection from law enforcement.

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Migrant sex workers face greater vulnerability to harassment, abuse, and violence at the hands of police, third parties, and people posing as clients precisely because they are not recognised as rights-bearers, and do not have legal recourse. In the U.K., a rise in reported murders

of migrant sex workers from 0% during 2006–2013 to 82% of the women killed in 2013–2015 suggests that migrant women sex workers are being disproportionately targeted. In Singapore, migrant sex workers – especially undocumented sex workers, transgender sex workers, and male sex workers – rarely report violence, non-payment, or theft because of fear of arrest and deportation. Similarly, the illegality of migrant sex work in New Zealand results in under-reporting or refusal to report crimes. Police and people posing as clients prey on this vulnerability; it also allows exploitative third parties to overwork or overcharge migrant sex workers who rent their venues.

The conflation of human trafficking with migrant sex work compounds these issues, as it results in the disproportionate policing of racial and gender minorities. This was confirmed by NSWP members in Asia, Europe, Latin America, and North America. In Norway, police legitimise raids and immigration checks by claiming that they are combatting trafficking. In Canada, purported ‘rescue’ strategies and enforcement all too often become punishment. Police are reportedly abusing their power by demanding sexual favours and even stealing money. In Singapore, police frequently raid brothels looking for undocumented migrants, seizing condoms as evidence. In the European Union, most member states use anti-trafficking efforts to limit sex work and migration, rather than creating safe and supportive environments for sex workers.

Dismantling the sex industry disrupts sex workers’ lives and work, and pushes them into illegality and isolation. This isolation is exacerbated by stigma and laws that criminalise third parties. Migrant sex workers around the world reported having no one to confide in or rely on except other migrant sex workers from their country of origin. They are often rejected by their ethnic communities for engaging in sex work, and are sometimes ostracised or even attacked by local sex workers over client and territory disputes. Yet third party laws essentially criminalise peer networks. In Latin America and Canada, sex workers are arrested for trafficking when they assist their peers in finding housing or work. Globally, third party laws are used to evict sex workers and prevent them from working together, thereby disrupting sex worker-organising, which is often the only support migrant sex workers have.

3 Limited Access to Services

Migrant sex workers face substantial barriers in accessing prevention, treatment, and care services largely due to stigma, discrimination, and criminalisation. Police use condoms as evidence, which severely hinders the safety and autonomy of migrant sex workers. Mandatory

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sexual health testing and examinations remain a problematic issue in a number of countries. The criminalisation of HIV transmission poses severe risks for vulnerable groups as it discourages sex workers from testing and seeking health services.¹⁵ In Europe, HIV prevention coverage is estimated to reach less than one third of all sex workers in the region.¹⁶ The mobility of sex workers also affects their access to health services, as it usually prevents them from holding

entitlement to public healthcare schemes, with the exception of those who can afford private care. For those who are on ARVs or medication for chronic conditions, adherence is often a challenge due to mobility.

Finding reliable service providers poses a significant challenge for migrant sex workers, as they are faced with judgemental treatment and breaches of confidentiality. In Africa, sex workers report active exclusion from healthcare, while in Ukraine, healthcare and social workers often demand extra payment for their services. In Canada, the human trafficking narrative has become so pervasive in certain healthcare circles that migrant sex workers are often assumed to be trafficked and are referred instead to the police or border services. In Norway, while migrants are entitled to emergency care, a sex worker reporting rape may be immediately deported after receiving treatment. As a result, systems claiming to protect victims of crime ultimately serve to punish them.

C Service Needs

Language barriers isolate migrant sex workers and make it difficult for them to access services and information on their rights and health. In the global consultation with NSWP members, migrant sex workers repeatedly highlighted the lack of comprehensive and tailored services in their own language, provided in a culturally sensitive and non-judgemental manner that protects anonymity and confidentiality. They noted that often the only services available to them are tied to HIV and STI prevention, while their needs go far beyond this. Existing services often do not account for their sex work or their migration, or else account for each context separately and therefore do not actually meet their needs. Migrant sex workers further emphasised the importance of having information about their rights and obligations, as well as referral systems for services according to their situation and location. Finally, migrant sex workers underscored that a 'firewall' must exist between access to services and immigration enforcement¹⁷ to ensure that they can safely exercise their rights without fear of detention or deportation.

15 Weait, 2011, "The Criminalisation of HIV Exposure and Transmission: A Global Review," Working Paper prepared for the Third Meeting of the Technical Advisory Group, Global Commission on HIV and the Law available at <https://hivlawcommission.org/report-resources/working-papers/>

16 TAMPEP, 2009, "Sex Work in Europe: A mapping of the prostitution scene in 25 European countries." available at <https://tampep.eu/>

17 Platform for International Cooperation on Undocumented Migrants, "PICUM Strategic Plan 2016-2020," available at <http://picum.org/mission-vision-working-principles/>

1 Health and Social Services

Migrant sex workers have diverse health and social service needs, yet often find that healthcare is extremely limited in scope, and social service support is completely non-existent. In most countries, when healthcare is available to sex workers, it is restricted to HIV and STI testing and prevention. Sex workers in Uganda reported that even this is not guaranteed, as frequent condom stock-outs are a problem. Meanwhile, in Suriname, anyone who tests positive is not necessarily treated, indicating that there are issues not only in the quality of care but also in continuity of care. Moreover, where these services exist, they are often provided by under-resourced NGOs that in some cases are entirely dependent on international donor funding, as in Ukraine.

Such services are also intended for national sex workers and often struggle to accommodate the specific needs of migrants, while services intended for migrants are typically not attuned to the needs of those engaged in sex work, leaving migrant sex workers with few options.

Migrant sex workers also emphasised that their health needs go beyond STI prevention, to issues such as mental health, sexual and reproductive health, general health and nutrition, and dental care. In Singapore, migrant sex workers expressed the need for a calm space where they could communicate with peers and simply relax, underlining the importance of psychosocial wellbeing as an element of health. This was echoed by several NSWP members from different regions, who reported that migrant sex workers experience high levels of stress and loneliness.

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Beyond healthcare, migrant sex workers also need capacity building, education, entertainment, clothing, food, and shelter. Housing poses an especially significant challenge for migrant sex workers in many countries. In Togo, Spain and Singapore, migrant sex workers reported homelessness as a chronic problem within the community, as landlords often refuse migrant sex workers housing due to stigma and fear of being incriminated as a third party, or they charge sex workers exorbitant fees. Some are in need of temporary shelters, such as in Norway when facing eviction due to third party laws. In some countries, such as Ukraine, sex workers can stay in temporary shelters for women who have experienced violence.

2 Information

The lack of information on services and rights poses a considerable threat to the safety and autonomy of migrant sex workers, particularly given the language barrier they often face in host countries. Migrant sex workers reported a particular inability to access legal information because they did not know where to find it and could not understand the local language. For Chinese sex workers who migrate to other countries, the language barrier and lack of information creates complete dependence on third parties, which increases the risk of exploitation. In Canada, where migrants can access the public health care system to some degree, migrant sex workers often remain unaware of their entitlements, and generally only access information if organisations reach out to them proactively.

Migrant sex workers emphasised the need for multilingual information on healthcare, harm reduction, housing, employment, labour rights, peer networks, referral systems for different services, tax obligations, and legal support. They also wanted information on criminal, immigration, and family law, particularly in relation to regularising their immigration status and pursuing justice when their rights are violated.

3 Legal Aid

Legal support is crucial to protecting migrant sex workers' access to justice. Regardless of the national context, migrant sex workers around the world shared the same legal concerns: they wanted support in regularising their immigration status and protecting themselves against law enforcement. Whether they were documented or undocumented migrants, sex workers wanted legal assistance in dealing with police

harassment, surveillance, investigation, arrest, detention, and deportation. Meanwhile, sex workers who were undocumented migrants or asylum seekers were especially concerned about immigration law, but those temporarily in the country on tourist or student visas were also interested in learning how to extend their permits or establish permanent residency.

In Suriname and Canada, migrant sex workers emphasised the need for legal aid when they are arrested or placed in detention. In Singapore,

migrant sex workers most often sought legal services in relation to marriage, immigration, and criminal offences. Globally, migrant sex workers also highlighted the need for safe avenues to report rights violations to law enforcement without fear of arrest or deportation. They additionally stressed the importance of having access to lawyers who are familiar with sex work and migration issues, noting that these services should be low cost or free, as the cost and quality of legal support are additional barriers to justice for migrant sex workers.

4 Empowering Communities

When migrant sex workers access services and information, it is usually through their peer networks and almost exclusively involving community-led organisations that provide non-judgemental, low-threshold, and anonymous services for sex workers. In some countries, these organisations may receive government support, but in most cases they rely on independent and severely limited sources of funding. This underscores the need to find more sustainable ways of supporting such efforts, as community-led organisations play a crucial role in service delivery for vulnerable and hidden populations.

Community-led organisations and peer networks fulfil various functions, both formally and informally. In Ukraine, community members play an important role in facilitating migration and settlement – by assisting with finding jobs, housing, and health services. In New Zealand, sex worker-led programmes and outreach have been effective in supporting migrant sex workers with a range of employment, health, housing, justice, and other issues. In India, sex worker-led organisations have even taken the lead in identifying and providing assistance to victims of human trafficking.

Whether they were documented or undocumented migrants, sex workers wanted legal assistance in dealing with police harassment, surveillance, investigation, arrest, detention, and deportation.

NSWP members from every region reported that migrant sex workers are urgently in need of community-led organisations that are resourced and can employ migrant sex workers, to provide their expertise and to facilitate access to services for other migrant sex workers. These organisations play a central role in supporting the empowerment of sex workers. Not only do they improve access to services, information, and rights, they also serve as a critical link between migrant sex workers and other stakeholders, including government. In some countries, migrant sex workers rely exclusively on community-led organisations and peer networks for support.

Conclusion and Recommendations

Migrant sex workers are migrant workers, though their labour is not always recognised as such. Like other migrant workers, they often leave home to escape inequality and poverty, and to seek a better life and income abroad. They contribute to local economies where they work, and send home remittances that enhance the economies they left behind. Yet the labour of migrant sex workers is still unrecognised and often criminalised, consequently trapping them in a constant state of precariousness. Around the world, migrant sex workers continue to be a largely invisibilised and inappropriately served population. The convergence of restrictive migration legislation and laws criminalising sex work ensures that migrant sex workers are marginalised and targeted by the state, while the structural factors creating their vulnerability remain hidden. They face exclusion as migrants within

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the sex worker community, and exclusion in their ethnic communities for being sex workers. They lack services and information on their rights, and where services are available they are often limited and severely under-resourced. At the same time, migrant sex workers face heightened levels of risk across all of the vulnerabilities that sex workers typically encounter, while simultaneously having no access to justice because the authorities that should protect them are those that threaten to deport them. Anti-trafficking efforts do nothing to improve this situation, as they expose migrant sex workers to increased harassment from the authorities (particularly the police) who raid their workplaces and evict them from

their homes. Anti-trafficking laws also often target those who help migrant sex workers, effectively ensuring their complete isolation, even from community-based support structures. These frameworks serve to undermine the autonomy of migrant sex workers, rather than empowering them. Legal and policy reform is urgently needed to change this.

Recommendations

- 1** Recognise that migrant sex workers are migrant workers who are best able to contribute to receiving countries when they are able to move and work safely and autonomously. Facilitate safe and legal migration, especially by rolling back restrictive and discriminatory migration laws.
- 2** Remove laws that explicitly prohibit the participation of migrants in the sex industry, as these effectively guarantee their reliance on third parties and render them extremely vulnerable due to the threat of deportation. Enable migrants to apply for the right to work and reside on the grounds of their sex work.
- 3** Decriminalise and recognise sex work as work, and remove legal and policy barriers that create parallel systems of employment for citizens and migrants. Ensure that any laws regulating the employment of migrants also do not directly or indirectly discriminate on the basis of gender, gender identity, sexual orientation, race, ethnicity, or national origin.
- 4** Responses to trafficking must not be used to impose border control and regulate the migration of sex workers. The police and other law enforcement should be sensitised to stop the surveillance, harassment, arrest, and abuse of migrant sex workers, especially racial and gender minorities.
- 5** Ensure firewalled access to social and healthcare services, as well as to the authorities to report abuses, especially for undocumented migrants. Migrant sex workers are often unable to access services even when they know of them because they fear deportation. It is crucial that all migrant sex workers have access to services and to justice without fear of deportation or reprisal.
- 6** Sensitise social and health care workers, as well as other employees of the state, to provide non-judgemental and confidential services to migrants and sex workers alike. Aim to provide these services in multiple languages, so they are accessible.
- 7** Make information on basic rights (especially labour and migration-related rights), social and healthcare services, as well as other living and working essentials (such as how to find housing or pay taxes) available in multiple languages. Recognise that migrant sex workers have diverse needs and are a contributing force in society when they are empowered.
- 8** Make healthcare services more comprehensive. Health is not only the absence of illness, it is wellbeing, and migrant sex workers need healthcare provision that comprehensively fulfils their right to health. This includes psychological and psychosocial support. Sex workers are not vectors of disease; they are on the frontlines of prevention and are contributing members of society.

- 9 Fund community-led, low-threshold service provision. Community-led organisations are best placed to provide comprehensive, non-judgemental, and tailored services to their constituencies, yet they are chronically under-resourced. Around the world, migrant sex workers turn to sex worker-led organisations first for all their needs, ranging from healthcare to housing, and including reporting human rights violations. This places community-led organisations on the forefront of preventing exploitation and promoting empowerment.
- 10 Include migrant sex workers in the development and delivery of services and information, and hire them as staff to do outreach work and peer education. This ensures that the services provided and their method of delivery is relevant, respectful, and effective. This also ensures that services and information reach those who are often difficult to reach, such as undocumented migrant sex workers.

General Considerations for Health Services

- Identify gaps in coverage and adapt service provision to harder-to-reach populations, including by developing new contact strategies (e.g. online outreach).
- Recognise that sex workers are not a homogenous group, and respect and understand their diversity and mobility.
- Ensure the availability of services and information in multiple languages as needed, and that services are tailored, relevant, and culturally sensitive.
- Protect and respect the right to non-judgemental and confidential services.
- Hire sex workers as staff to facilitate access to services and information and as community mediators who link migrant sex workers to other services or institutions.

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The briefing papers document issues faced by sex workers at local, national, and regional levels while identifying global trends.

The NSWP Secretariat manages the production of briefing papers and conducts consultations among its members to document evidence. To do this, NSWP contracts:

- Global Consultants to undertake desk research, coordinate and collate inputs from Regional Consultants and draft the global briefing papers.
- Regional Consultants to coordinate inputs from National Key Informants and draft regional reports, including case studies.
- National Key Informants, identified by the regional networks, to gather information and document case studies.



Global Network of Sex Work Projects

Promoting Health and Human Rights

The Matrix, 62 Newhaven Road
Edinburgh, Scotland, UK, EH6 5QB
+44 131 553 2555
secretariat@nswp.org
www.nswp.org

NSWP is a private not-for-profit limited company.
Company No. SC349355

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